

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2488**

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**Introduced by Assembly Member Leno**

February 23, 2006

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An act to amend Section 9205 of the Family Code, relating to adoption.

LEGISLATIVE COUNSEL'S DIGEST

AB 2488, as amended, Leno. Adoption.

Existing law authorizes the State Department of Social Services or an adoption agency, as defined, that joined in an adoption petition to release the names and addresses of biological siblings to one another if both siblings have attained 21 years of age and have filed a specified request and waiver of rights with respect to the disclosure with the department or agency.

This bill would *further authorize the disclosure of the names and addresses of an adoptee and his or her half-sibling or step-sibling to one another, if the above-described requirements are met. The bill would also lower that the age of consent to 18 years of age, and would authorize an adoptee or sibling, as defined, who is under 18 years of age to file that request with the consent of his or her adoptive parents or, if a sibling, with the consent of a parent or guardian, or the court under specified circumstances.* If an adoptee or sibling has not filed a waiver with the department or adoption agency, the bill would also authorize ~~a biological~~ *the adoptee or sibling* to petition the court to appoint the department or adoption agency that conducted the adoptee's adoption as a confidential intermediary, which would have

the authority to contact the adoptee and his or her adoptive parents *or the sibling* with regard to disclosure, ~~as appropriate.~~

By imposing additional duties on, among others, licensed county adoption agencies to act as a confidential intermediary, as described above, and by increasing the number of sibling and adoptee requests, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 9205 of the Family Code is amended to  
2 read:

3 9205. (a) Notwithstanding any other law, the department or  
4 adoption agency that joined in the adoption petition shall release  
5 the names and addresses of ~~biological~~ siblings to one another if  
6 both of the siblings have attained 18 years of age and have filed  
7 the following with the department or agency:

8 (1) A current address.

9 (2) A written request for contact with any ~~biological~~ sibling  
10 whose existence is known to the person making the request.

11 (3) A written waiver of the person's rights with respect to the  
12 disclosure of the person's name and address to the sibling, if the  
13 person is an adoptee.

14 (b) Upon inquiry and proof that a person is the ~~biological~~  
15 sibling of an adoptee who has filed a waiver pursuant to this  
16 section, the department or agency may advise the sibling that a  
17 waiver has been filed by the adoptee. The department or agency  
18 may charge a reasonable fee, not to exceed fifty dollars (\$50), for  
19 providing the service required by this section.

1 (c) An adoptee may revoke a waiver filed pursuant to this  
2 section by giving written notice of revocation to the department  
3 or agency.

4 (d) The department shall adopt a form for the request  
5 authorized by this section. The form shall provide for an affidavit  
6 to be executed by a person seeking to employ the procedure  
7 provided by this section that, to the best of the person's  
8 knowledge, the person is an adoptee or ~~biological~~ sibling of an  
9 adoptee. The form also shall contain a notice of an adoptee's  
10 rights pursuant to subdivision (c) and a statement that  
11 information will be disclosed only if there is a currently valid  
12 waiver on file with the department or agency. The department  
13 may adopt regulations requiring any additional means of  
14 identification from a person making a request pursuant to this  
15 section as it deems necessary, ~~and for obtaining the consent of~~  
16 ~~the birth parents of the adoptee and the sibling in order to make~~  
17 ~~the disclosure authorized by this section in any case in which the~~  
18 ~~sibling remained in the custody and control of the birth parents~~  
19 ~~until 18 years of age.~~

20 (e) The department or agency may not solicit the execution of  
21 a waiver authorized by this section. However, the department  
22 shall announce the availability of the procedure authorized by  
23 this section, utilizing a means of communication appropriate to  
24 inform the public effectively.

25 ~~(f) Notwithstanding the age requirement described in~~  
26 ~~subdivision (a), an adoptee who is under 18 years of age may file~~  
27 ~~a written request for the release of his or her personal information~~  
28 ~~pursuant to this section with the consent of his or her adoptive~~  
29 ~~parents.~~

30 ~~(g) Notwithstanding subdivision (a), a biological sibling who~~  
31 ~~seeks contact with an adopted sibling for whom no waiver is on~~  
32 ~~file may petition the court to appoint a confidential intermediary,~~  
33 ~~which shall be the department or adoption agency that conducted~~  
34 ~~the adoptee's adoption. The intermediary shall have access to all~~  
35 ~~records of the adoptee and may locate and attempt to obtain the~~  
36 ~~consent of the adoptee and adoptive parents, if appropriate, to~~  
37 ~~make the disclosure authorized by this section.~~

38 *(f) Notwithstanding the age requirement described in*  
39 *subdivision (a), an adoptee or sibling who is under 18 years of*  
40 *age may file a written request for the release of his or her contact*

1 information pursuant to this section provided that, if an adoptee,  
2 the adoptive parent consents, and, if a sibling, the sibling's legal  
3 parent or guardian consents. If the sibling is under the  
4 jurisdiction of the dependency court and has no legal parent or  
5 guardian able or available to provide consent, the court may  
6 provide that consent.

7 (g) Notwithstanding subdivisions (a) and (e), an adoptee or  
8 sibling who seeks contact with the other for whom no waiver is  
9 on file may petition the court to appoint a confidential  
10 intermediary, which shall be the department or adoption agency  
11 that conducted the adoptee's adoption. The court shall grant the  
12 petition unless it finds that it would be detrimental to the adoptee  
13 or sibling with whom contact is sought. The intermediary shall  
14 have access to all records of the adoptee and shall locate and  
15 attempt to obtain the consent of the adoptee, sibling, or adoptive  
16 or birth parent, as required to make the disclosure authorized by  
17 this section. If contact is sought with an adoptee or sibling who is  
18 under 18 years of age, the confidential intermediary shall contact  
19 and obtain the consent of that child's legal parent before  
20 contacting the child. If the sibling is under the jurisdiction of the  
21 dependency court and has no legal parent or guardian able or  
22 available to provide consent, the intermediary shall obtain that  
23 consent from the court.

24 (h) For purposes of this section, "sibling" means a biological  
25 sibling, half-sibling, or step-sibling of the adoptee.

26 SEC. 2. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.